

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**PROGRESS RAIL SERVICES
CORPORATION,**

Plaintiff,

VS.

**WESTERN HERITAGE CREDIT UNION
and DAVID G. BRADFORD,**

Defendants.

8:05CV98

ORDER

This matter is before the court on the defendant Western Heritage Credit Union's (Western Heritage) Motion for Expedited Hearing on Rule 45 Subpoena (Filing No. 89). Western Heritage seeks resolution of the plaintiff's objection to a third-party subpoena in time for Western Heritage to serve the subpoena and receive documents prior to its expert disclosure deadline of January 2, 2007. Under the circumstances the court will impose a truncated briefing schedule. Upon consideration,

IT IS ORDERED:

1. The plaintiff shall have to **on or before December 11, 2006**, to file a response regarding issuance of the third-party subpoena to Deloitte & Touche.
2. Western Heritage shall have to **on or before December 14, 2006**, to file a reply.

DATED this 4th day of December, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge